

### **1VAC30-100-15 Purpose**

A. Virginia's Capitol Square is the Commonwealth's executive and legislative center and an architecturally and historically significant area located in downtown Richmond. The Department of General Services, pursuant to Chapter 11 (§ 2.2-1100 et seq.) of Title 2.2 of the Code of Virginia, is charged with maintaining and operating the historic Capitol Square. Under this authority, the department establishes this regulation for use of Capitol Square.

B. The Department of General Services permits persons, organizations, or groups to use Capitol Square grounds for various purposes and events when the use will not interfere with or disrupt governmental functions. The purpose of this regulation is to establish standards for the use of Capitol Square as well as the acceptance, processing, review, and disposition of permit applications for events on Capitol Square to ensure the health, safety, and welfare of the public; coordinate multiple uses of public grounds; preserve public spaces; preserve the aesthetic appearance of historic buildings and grounds; preserve the rights of individuals to free expression; and protect the Commonwealth from financial losses.

### **1VAC30-100-20 Definitions**

The following words and terms when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Capitol Police" means the Division of Capitol Police.

"Capitol Square" means the historic grounds and structures surrounding the Virginia Capitol that are bound by a decorative iron fence designed by Sabbaton in 1818.

"Commercial activity" means any activity or action undertaken by one or more business entities or individuals, whose purpose in whole or in part, directly or indirectly, is to derive or realize a present or future financial gain for the individuals or business entities.

"Department" means the Department of General Services.

"Director" means the Director of the Department of General Services.

"Event" means the assemblage on Capitol Square of 10 or more persons for any demonstration, rally, march, performance, picketing, speechmaking, holding of vigils, sit-ins, or other activities that involve the communication or expression of views or ideas having the effect, intent, or propensity to draw a crowd or onlookers. "Event" does not include casual use of Capitol Square by visitors or tourists.

"Government function" means a function sponsored by a Commonwealth of Virginia government entity in support of the agency's mission.

"Permit" means a written authorization from the department allowing use of Capitol Square as set forth in the permit. A permit serves as a reservation to use a portion of Capitol Square with the priority for use set forth in this chapter.

"Permit area" means the area adjacent to the Bell Tower where an event speaker or an event programmed activities must be located.

"Permittee" means the individual, group, or entity identified in the permit as the holder of the permit.

### **1VAC30-100-30 General regulation requirements**

A. All events scheduled on Capitol Square must be permitted through the department. An Application for Use of Capitol Square form must be completed and the application and the Rules of Capitol Square must be signed by the individual who will be the permittee. For government functions on Capitol Square, the government entity must complete and submit an Agency Application for Use of Capitol Square to the department for approval. The application for each type of event can be found at <https://dgs.virginia.gov>.

B. Rules for the use of Capitol Square can be found on the department's website at <https://dgs.virginia.gov>.

C. Capitol Square shall be closed to the public from 9 p.m. until 6 a.m. daily, except for the conduct of official Commonwealth business. Capitol Square may be closed at any time for inclement weather or other necessity, or to protect the public from health or safety hazards, in the determination of the Governor or department. The Division of Capitol Police may close Capitol Square temporarily for law-enforcement purposes. The Chief of Police shall immediately notify the director or the director's designee if the Capitol Police close Capitol Square.

D. Capitol Square is primarily for the operation and function of government and nothing will be permitted that would interfere with those functions.

E. No activities will be permitted that will harm or destroy the natural, horticultural, or architectural beauty of or that will harm the physical condition or safety of Capitol Square or structures on Capitol Square, including the surrounding historic fence.

F. No activities will be permitted that violate Virginia or federal law or threaten the health, safety, or welfare of persons on Capitol Square.

G. Commercial activities are not permitted on Capitol Square.

H. An event is not considered approved until the department has issued a permit.

### **1VAC30-100-40 Permittee responsibilities**

A. The permittee and alternate contact for the permit shall be at least 18 years of age.

B. The permittee shall indemnify the Commonwealth of Virginia against any loss or damage that may occur in connection with the permittee's use of and presence at the property.

C. A permittee shall be required to notify the department of any changes to the information contained in the permit application as soon as practicable.

D. A permittee should identify an alternate contact in the Application for Use of Capitol Square, and either the permittee or alternate contact person must be present during the entire activity, including setup and takedown of the event. The permit and any authorizations will be suspended if these requirements are not met.

E. A permittee must work directly with the designated department coordinator and the Capitol Police regarding setup, access, security, logistics, and all other aspects of the planned event. An in-person pre-meeting may be required by the department to discuss the details of the requested event.

F. A permittee is responsible for returning the areas used in conducting its event to their original condition, including removal of any materials and debris connected to the event. Any costs incurred by the department to restore the area to its original condition will be charged to the permittee.

G. A permittee shall comply with all federal and Virginia laws, and this chapter.

H. The permittee agrees to notify law enforcement if any unlawful activities occur during the permitted event. For emergencies, the permittee shall call 911 and the Capitol Police emergency number at (804) 786-4357. For nonemergencies, the permittee shall call (804) 786-2568.

### **1VAC30-100-50 Permit process**

A. The Governor will have priority over use of Capitol Square.

B. The department may not issue permits for any event in Capitol Square coinciding or conflicting with inaugural events, including activities associated with inauguration.

C. Requests for permits generally will be considered on a first-come, first-served basis.

D. Capitol Square is available for permitted events from sunrise to sunset daily, subject to the restrictions of 1VAC30-100-30 C.

E. Permitted events may last a maximum of one hour, with an additional 30 minutes to set up the event and 30 minutes to take it down.

F. No more than one event will be scheduled for the same time on the same day. This includes permitted setup and takedown time.

G. Application for a permit shall be made in writing on an Application for Use of Capitol Square and submitted to the department at least six days prior to the planned event when the expected attendance is less than 1,000 individuals. Application for events when expected attendance is more than 1,000 individuals shall be submitted 45 days in advance, except as specified in subsection I of this section.

H. An application for an event must contain, at a minimum, the following information:

1. Type and purpose of event, meeting, or function.
2. Name, address, telephone number, and email address of permittee.
3. Name, address, telephone number, and email address of alternate contact.
4. Name of organization, date of origin, status (e.g., corporation, unincorporated association, partnership, or nonprofit corporation) and name, address, and telephone number, and email address of registered agent if the permittee is a corporation or other business entity.
5. Approximate number of people who will attend the event.

6. Requested date and time of the event.

7. Whether the event is being advertised or promoted to the general public.

8. Transportation plan for attendees.

9. Waste management plan.

10. Whether the department's sound equipment will be needed.

I. An applicant may request as part of the application an exception to the six-day or 45-day requirements by providing written explanation of the reason such exception should be granted by the department, provided:

1. The applicant submits a completed permit application in accordance with this chapter;

2. The applicant shows in clear and descriptive writing, why the circumstances giving rise to the proposed event did not reasonably allow the applicant to apply for a permit in compliance with the time requirements; and

3. The event has not been planned for more than six days in advance of the proposed date of the event for those with fewer than 1,000 attendees or more than 45 days for events with more than 1,000 attendees.

J. The speaker and programmed activities for any permitted event must be located within the permit area.

K. Applications for permits may be submitted up to 180 days in advance of the date of the proposed event. The department will deny permit applications submitted more than 180 days in advance of the date of the proposed event.

L. Generally, permit requests will be granted or denied within five business days. Permit requests for events that are likely to require additional department or law enforcement resources may take longer to review.

M. The permit and the rights thereunder are nontransferable and may not be assigned to a third party.

N. Events should not be announced, promoted, or advertised until the applicant receives a permit.

O. Permit applications, issued permits, and supporting documentation are subject to release under Virginia's Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).

P. All permitted activities on Capitol Square must strictly adhere to the times as scheduled to ensure that the activities will not conflict with other scheduled and permitted activities.

Q. The department reserves the right to limit the use of Capitol Square at any time due to unforeseen operational circumstances, including to emergency maintenance or urgent public health or security concerns. Every reasonable effort will be made to alleviate the effects of any such limitation.

R. The department may cancel a scheduled event if the location is required for an official government function. In such cases, the department will notify the contact person as soon as possible, and every reasonable effort will be made to allow for rescheduling the event.

### **1VAC30-100-60 Permitted events**

A. All activities shall be performed in compliance with this chapter, as well as any federal or Virginia laws. Unlawful activity is prohibited.

B. At no time shall any entrance or exit of any building be obstructed in such a way as to impede free access to or from the building by its occupants or the public.

C. No banners, flags, posters, or other objects shall be placed on or affixed to Capitol Square grounds or structures.

D. All event items and materials are to be removed upon conclusion of the event. All areas must be returned to their pre-event condition.

E. Props, equipment, and other moveable materials that do not require power to be used in connection with the event are allowed provided that prior notice is given on the application and the size, location, and structure of the items conforms to the reasonable conditions, limitations, and restrictions provided for by the department. The permittee shall bear all risk related to the use of any such props, equipment, and other moveable materials.

F. The department reserves the right at all times to immediately remove or cause to be removed any and all items of display it determines would damage government property, inhibit movement, or raise safety issues of the government property, attendees, or the public.

G. Items or props used for the event may not impede normal business operations or create safety concerns.

H. Due to the presence of underground utilities, irrigation, and other lines, nothing shall be driven into the ground or placed on the grounds anywhere without the location and method of placement approved in advance and in writing by the department.

I. Temporary structures of any kind may not be erected on Capitol Square. This includes tents, cabanas, canopies, stages, and all other types of covered or enclosed structures, as well as tables, stages, projectors, screens, or other structures.

J. The director reserves the right to require that special facilities, such as portable toilet facilities, be provided at the permittee's expense.

K. Sound amplification is permitted; however, the sound must not disrupt the orderly business of government bodies and agencies located on Capitol Square or unreasonably disturb other persons who are visiting Capitol Square. For events with fewer than 1,000 attendees, the department, at permittee's request, will provide a microphone, podium, and speaker for use during the event. All other electric sound amplification equipment is prohibited for events with fewer than 1,000 attendees. For events with more than 1,000 attendees, the department will consider the use of amplification equipment provided by the permittee. If the department approves use of amplification equipment provided by the permittee, the department will supply power.

The permittee shall bear all risk related to the use of any such amplification equipment provided by the permittee.

L. Use of sound systems will be discontinued after the permitted event time limit expires.

M. If the permittee desires to use available department-provided sound amplification equipment, the equipment will be set up by department staff and this setup will not be moved or altered by the permittee or other event attendees without the express permission of the department.

N. Activities that create loud or unusual noise or are disruptive to the performance of official duties or delivery of services may be denied, ceased, or interrupted by the department or Capitol Police.

O. Permittees shall not offer any item for sale, solicit money or items of value, or display any form of advertising on Capitol Square.

P. Marches may be permitted into and out of Capitol Square provided the march does not disrupt the orderly business of government or impede the access by others visiting the grounds or buildings of Capitol Square.

### **1VAC30-100-70 Denials and revocations**

A. The department may deny a request for a permit or revoke a permit before or during an event upon determination of the director or the director's designee that any of the following conditions has occurred:

1. A completed application for an event at the same time already has been received from another applicant, and a permit has been or will be granted for the event. In such a case, an alternate date or time, if available, will be proposed.

2. Incomplete information, false statements, or misrepresentation have been made on the permit application.

3. Fraud was committed or misrepresentation made in obtaining the permit.

4. The permittee or the alternate contact persons are not present for the duration of the event, including during setup and takedown times.

5. The conduct of either the permittee or persons attending the event involves a violation of the permit, this chapter, or Virginia or federal law.

6. The number of persons engaged in the event exceeds the number of permitted attendees or cannot be safely accommodated.

7. The permittee twice (i) violated the terms of prior permits issued to the permittee or (ii) violated applicable law while applying for or using a prior permit. In such instances, the permittee is banned from obtaining a permit for 18 months from the date of the most recent violation.

8. The Governor's Office will be using all or part of the permit area during all or part of the requested time.

9. The Senate of Virginia or the Virginia House of Delegates will be using all or part of the permit area during all or part of the requested time for a government function.

10. The permit applicant has not certified that the applicant will comply with this chapter or applicable law.

11. The permit application is not submitted within the required timeframes of six or 45 days, depending on the number of planned attendees, or the application submitted does not justify an exception to the time requirements.

12. The permit application was submitted more than 180 days in advance of the proposed event.

13. The requested use would cause a clear and present danger to the orderly functions of Commonwealth of Virginia government or to the use of Capitol Square due to:

- a. Advocacy of the imminent violent overthrow of government of the United States or the government of the Commonwealth of Virginia or any political subdivision thereof;
- b. The willful damage or destruction or seizure and subversion of public property;
- c. The forcible disruption or impairment of or interference with the regularly scheduled functions of the Commonwealth of Virginia;
- d. Causing harm to or violating the lawful rights of any person; or
- e. Other disorders of a violent nature.

B. Prior to commencement of the permitted event, the department finds it necessary to revoke the permit due to previously unknown circumstances.

C. During an event, the Capitol Police may require discontinuation of the event if activity presents a clear and present danger to public safety, good order, or health or for any violation of applicable statutes, regulations, rules, or policies.

### **1VAC30-100-80 Appeals**

A. This section and the appeal procedures set forth herein shall apply only in cases when a timely and complete permit application was filed in accordance with this chapter, and the permit was denied. No appeal shall be available if a timely and complete permit application was not filed.

B. If an application is denied, the applicant will be informed in writing of any reason for the denial and will be advised that the denial may be appealed by written request to the director submitted within five business days of receipt of notice of such denial. The director may reverse, affirm, or modify the original determination. The director's written determination on the appeal shall be provided no later than 24 hours prior to the requested event time, provided it is received by the department at least 48 hours prior to the requested time.

C. The appeal shall include the name, address, and contact information of the applicant; a concise statement of the reason the appeal should be granted; and a description of the event for which the permit is sought.

**1VAC30-100-90 Violations**

Violations of this chapter or of any other provision of Virginia or federal law shall result in the immediate revocation of the permit by the department or discontinuation of the event by the department or Capitol Police. In the event such revocation or discontinuation occurs, all participants shall immediately leave Capitol Square. Remaining in Capitol Square after proper notice that the permit has been revoked or the event discontinued shall be considered trespass in violation of § 18.2-119 of the Code of Virginia.

**1VAC30-100-9998 FORMS (1VAC30-100)**

[Agency Application for Use of Capitol Square \(submitted 8/2021\)](#)

[Request to Hold an Event at the Bell Tower \(submitted 8/2021\)](#)